



**MINUTES**

**CITY OF SCOTTSDALE POLICE LOCAL BOARD OF THE  
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)  
REGULAR MEETING  
11:00 a.m., Thursday, February 18, 2010  
Human Resources Verde Conference Room  
7575 E. Main Street  
Scottsdale, Arizona 85251**

**PRESENT:** Jack Cross, Chairman/Mayoral Designee  
Jeffrey Burg, Citizen Member  
James Butera, Elected Member  
La Verne Parker Diggs, Citizen Member/Merit Head  
Jeffrey Walther, Elected Member

**STAFF:** Chanda Washington

**OTHERS:** Lieutenant Craig E. Chrzanowski (arrived at 11:41 a.m.)

**Call to order:**

Chairman Cross called the meeting to order at 11:07 a.m. He noted that all Board members were in attendance today.

**Roll call:**

A formal roll call confirmed the members present as stated above.

1. **Review and Approval of Meeting Minutes—January 28, 2010.**

**BOARD MEMBER WALTHER MOVED TO APPROVE THE REGULAR MEETING MINUTES OF THE JANUARY 28, 2010 PSPRS POLICE LOCAL BOARD MEETING. BOARD MEMBER BURG SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**2. Induction of New Scottsdale Police Officers into PSPRS.**

Ms. Washington announced that Police Officers Kevin Reynolds, Wiley Adams, Christopher Hontz, and Samantha Beatty are to be inducted into the PSPRS with an effective membership and academy graduation date of January 31, 2010. She stated that their PSPRS induction date was February 18, 2010 and no pre-existing conditions were noted.

In response to Chairman Cross' inquiry, Board Member Walther said the police officers graduated from Arizona Law Enforcement Academy in Phoenix. He elaborated that whenever Scottsdale has an overflow of positions they partner with the Mesa Police Department, adding that the Scottsdale Police Department is getting ready to hire ten new police officers.

**BOARD MEMBER BUTERA MOVED TO APPROVE THE INDUCTION OF NEW SCOTTSDALE POLICE OFFICERS KEVIN REYNOLDS, WILEY ADAMS, CHRISTOPHER HONTZ, AND SAMANTHA BEATTY INTO PSPRS WITH AN EFFECTIVE MEMBERSHIP DATE OF JANUARY 31, 2010 AND WITH NO PRE-EXISTING CONDITIONS NOTED. BOARD MEMBER PARKER DIGGS SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**3. Discussion and Vote on the DROP (Deferred Retirement Option Plan) Termination and Normal Retirement Application of Police Lieutenant Craig E. Chrzanowski**

Chairman Cross recommended combining agenda items 3 and 7 together since both agenda items related to Police Lieutenant Craig E. Chrzanowski.

**4. Discussion and Vote on the DROP (Deferred Retirement Option Plan) Termination and Normal Retirement Application of Police Officer Richard F. Royston**

Ms. Washington reported that Police Officer Richard Royston entered into the DROP in March of 2005 with 20 years of service and would be retiring from the DROP on February 28, 2010 with 25 years of service.

She stated that Police Officer Royston's paperwork is in order and he would be receiving a monthly retirement benefit in the amount of \$3,660.17.

Board Member Walther commented that Police Officer Royston served 25 years in the City of Scottsdale and 10 years in Wisconsin. Board Member Butera confirmed that this police officer served a total of 35 years with a reserves officer status.

Chairman Cross expressed the Board's appreciation of Police Officer Royston's extraordinary years of service to the citizens of Scottsdale.

**BOARD MEMBER WALTHER MOVED TO APPROVE THE DEFERRED RETIREMENT OPTION PLAN TERMINATION REQUEST OF POLICE OFFICER**

**RICHARD F. ROYSTON AND TO APPROVE HIS NORMAL RETIREMENT APPLICATION, EFFECTIVE FEBRUARY 28, 2010, SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. THE MONTHLY PENSION ASSOCIATED WITH THIS APPLICATION IS \$3,660.17 TO BEGIN ON OR ABOUT MARCH 31, 2010. BOARD MEMBER BURG SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).**

**5. Discussion and Vote on the DROP (Deferred Retirement Option Plan)  
Application of Assistant Police Chief John J. Cocca**

Ms. Washington explained that the final DROP paperwork for Police Chief John J. Cocca and Police Sergeant Thomas L. Macari, Jr. was not ready until yesterday and neither officer was able to come into the office to sign.

She suggested that both agenda items 5 and 6 be tabled until either the special meeting scheduled for March 4, 2010 or the regular meeting scheduled for March 18, 2010. It was the consensus of the Board to table agenda item 5 until the March 4, 2010 special meeting.

**6. Discussion and Vote on the DROP (Deferred Retirement Option Plan)  
Application of Police Sergeant Thomas L. Macari, Jr.**

It was the consensus of the Board to table agenda item 6 until the March 4, 2010 special meeting.

**7. Discussion and Vote on the Accidental Disability Retirement Application of  
Police Lieutenant Craig E. Chrzanowski**

Chairman Cross announced that he had been retained as the investment advisor of Police Lieutenant Craig Chrzanowski and stated that it would be best to recuse himself when the Board decides to take a vote on his application.

He suggested that if the Board decides to send Police Lieutenant Chrzanowski for an IME they should go ahead and approve his normal retirement application subject to a final determination on his accidental disability retirement application.

Chairman Cross explained that the issue was not how much Police Lieutenant Chrzanowski was going to be paid but rather how his retirement checks would be treated for tax purposes.

Ms. Washington reported that Police Lieutenant Chrzanowski entered into the DROP on March 1, 2005 with 25.035 years of service and would be retiring from the DROP on February 25, 2010 with approximately 30 years of service.

She stated that Police Lieutenant Chrzanowski's paperwork is in order and he would be receiving a monthly retirement benefit in the amount of \$4,937.25.

**Accidental Disability Retirement Application Discussion:**

In response to Chairman Cross' inquiry, Ms. Washington said that Police Lieutenant Chrzanowski had planned to attend the meeting and she would make a follow-up call to confirm his arrival time.

Chairman Cross suggested that Ms. Washington contact Police Lieutenant Chrzanowski before they begin the discussion. Ms. Washington presented a copy of the email documentation staff received on Police Lieutenant Chrzanowski and suggested that the Board review the document while she called the Applicant.

In response to Ms. Washington's comment that Police Lieutenant Chrzanowski would be arriving in approximately 15 minutes, Chairman Cross invited the Board to discuss the documentation received regarding the Applicant.

Ms. Washington recalled that when Police Lieutenant Chrzanowski first submitted his application he included supportive documentation regarding his condition, ischemic optic neuropathy. She stated that the applicant's doctor believes that his condition was exacerbated by work-related stress and reported that he was therefore unable to continue working in the law enforcement field after retirement.

In response to Board Member Parker Diggs' inquiry regarding where in the documentation the doctor states that the stress was work-related, Ms. Washington responded that Police Lieutenant Chrzanowski prepared a memorandum regarding his condition that Dr. Johnstone made corrections to.

She pointed out that Police Lieutenant Chrzanowski prepared a second memorandum documenting that his doctor agreed verbally with his notation that the stress was work-related. Board Member Burg recalled reading that Dr. Johnstone was willing to render an opinion in writing if requested by the Board.

In response to Board Member Parker Diggs' inquiry regarding whether the doctor reviewed the Applicant's job description, Ms. Washington explained that the doctor had not yet reviewed the job description because Police Lieutenant Chrzanowski had not initially claimed it as a job-related injury. She agreed to send further information to the doctor if the Board directed her to do so.

Ms. Washington stated that the Applicant was hopeful that the Board could make a decision to send him for an IME based on the medical information he has provided.

Board Member Walther expressed his concerns that the doctor's verbal statement conflicts with her written recommendations and points out that although the doctor knows that the Applicant was a police officer, none of her recommendations have work restrictions from the date of the injury through September 16, 2009.

He discussed the fact that Police Lieutenant Chrzanowski's January 10, 2010 memorandum states as follows:

"Since the onset of this injury I continue to stay on full duty. I successfully completed my firearms qualifications, judgmental shoot, and modular driving class. I have worked several gang enforcement operations, which

included NBA All Star Week. I have participated in numerous crime scene investigations, search warrants and arrests in a full duty capacity. It has never been my intention to retire early because of this injury or to be placed on transitional duty."

Board Member Walther stated that page 2 of the memorandum explains that on July 4, 2008 while Police Lieutenant Chrzanowski was on vacation in San Diego, he woke up and had lost some vision in his eye. He pointed out that the following comment in the applicant's memorandum was the reason he was applying for an accidental disability retirement:

"During 2009 I explored job opportunities in law enforcement after my retirement. What I found out was that I no longer meet Arizona P.O.S.T. medical requirements. This is preventing me from the opportunity to apply as a law enforcement officer."

Board Member Walther expressed his appreciation of the Applicant's inclusion of Arizona Revised Statute 38-842 (1):

"'Accidental disability' means a physical or mental condition that the local Board finds totally and permanently prevents an employee from performing a reasonable range of duties within the employee's job classification and that it was incurred in the performance of the employee's duties."

He commented on the fact that the statute does not refer to what the Applicant would potentially receive after he retires, and noted that the Board deals with disabilities related to current employment, and not what occurs after the employment dissolves.

Board Member Walther stated that Police Lieutenant Chrzanowski was performing at a full performance level and that although his eye test shows a dark spot, the rest of his vision was 20/20. He emphasized the fact that the Applicant was a firearms instructor for 13 years and was still qualifying at a 25-yard line.

Board Member Walther argued that medical retirement is based on an applicant's ability to perform their current job, rather than their ability to obtain new employment after terminating current employment.

He stated that the Applicant also provided Arizona Revised Statute 38-842(1), 38-345(B), and 38-844(B) which states:

"Total and permanent disability incurred in the performance of duty. Preventing a performance of a reasonable range of duties within the employee's job classification."

Board Member Walther invited the Board to discuss whether the injury occurred during the performance of duty as a result of high blood pressure caused by stress. He noted that Police Lieutenant Chrzanowski's memorandum mentions that this injury disqualifies him from pursuing a police career after his retirement from the Scottsdale Police Department.

Board Member Burg raised the question, "If the Applicant was not a police officer would he still have incurred this stress-related injury?" He argued that the injury was not a medical disability since the Applicant claims that he does his job perfectly and this injury does not affect his performance.

Board Member Parker Diggs stated that life itself is stressful and pointed out that it is difficult to identify where stress comes from.

Board Member Walther stated that "But for Police Lieutenant Chrzanowski being a police officer, would he have incurred the ischemic optic neuropathy?" He noted that there was no clear-cut answer to the question.

Board Member Butera recalled that the Applicant has done his job very well and admirably up until his supervisor placed him on light or transitional duty after being made aware of his injury. He stated that Police Lieutenant Chrzanowski has a family history of coronary disease and that the DNA testing demonstrates that he has a mutation of a chromosome that leads to arterial diseases.

**Police Lieutenant Chrzanowski's Testimony:**

Chairman Cross summarized that the Board had been discussing the Applicant's medical documentation as well as Arizona Revised Statutes 38-842 (1) and 38-844(B) before his arrival. Police Lieutenant Chrzanowski apologized for arriving late.

Chairman Cross elaborated that the main topic of discussion was related to concerns about how he would meet the qualifications of those two statutes. He invited Police Lieutenant Chrzanowski to explain why he qualifies for an accidental disability retirement and why the Board should schedule him for an IME.

Police Lieutenant Chrzanowski explained that he has held a law enforcement position for approximately 34 years and tried to combat bouts of high blood pressure through diet and exercise. He stated that when he was diagnosed with tinnitus the doctor informed him that it flares up when he was under stress.

Police Lieutenant Chrzanowski recalled that while he was a watch commander he was involved in a three-week trial relating to the unlawful termination of Jesse Torres and when he returned to investigations, he incurred chest pains while sitting in his office. At the emergency room, they diagnosed him with high blood pressure and were able to stabilize him.

Police Lieutenant Chrzanowski stated that on July 4, 2008 he was on vacation in San Diego and the day after he completed a 20-mile bike ride with friends he woke up and was almost blind in his right eye, stating that he could only see very slightly from the outer edges of that eye.

He explained that when he went to see his family doctor upon his return he was prescribed steroids and anti-inflammatory medication and the doctor referred him to Dr. Johnstone at McCormick Ranch Eye Clinic.

Police Lieutenant Chrzanowski recalled that Dr. Johnstone told him to see a neuro ophthalmologist and he found that Dr. Wolf and Dr. Sharon Johnstone are the only two specialists in Arizona. Dr. Wolf diagnosed him with anterior ischemic optic neuropathy (AION) which was affected by the fluctuation of his blood pressure and suggested that he learn how to shoot using his left eye.

Police Lieutenant Chrzanowski said that Dr. Wolf informed him that his blood pressure had dropped and clotted the artery that feeds the optic nerve, which in turn starved and killed a portion of the optic nerve. There is no surgery for such an injury.

Police Lieutenant Chrzanowski summarized that after the City's medical plan administrator, Aetna, agreed to send him to see Dr. Johnstone she became his treating physician.

He explained that he informed his boss that although he was blind in his right eye he could still do his job and pointed out that he qualified with a 210 three times, as well as passed the driving test.

Police Lieutenant Chrzanowski stated that for the past two weeks he has been on transitional duty for the first time in his life and expressed his desire to stay in the law enforcement field after retiring. He elaborated that he had discussed working at the County Attorney's Office with Andy Thomas, Esq. and found that he no longer meets the P.O.S.T. requirements because of his injury.

Police Lieutenant Chrzanowski summarized that he wrote a memorandum, which was reviewed and corrected by his doctor as reflected in the addendum. He noted that when he requested Dr. Johnstone's recommendations in writing he told him that she would provide it only when the Pension Board requests it.

Police Lieutenant Chrzanowski stated that he found a lot of research on chronic stress and how it relates to multiple diseases. He stated that stress caused his injury and Dr. Johnstone conveyed her support of Dr. John Violanti's theories on stress.

**Continued Discussion:**

In response to Board Member Walther's inquiry regarding why he did not apply for disability in July of 2008, Police Lieutenant Chrzanowski conveyed his love of the job and his desire not to retire disabled.

Discussion ensued regarding how the loss of vision impacted the Applicant's ability to complete his job duties. Police Lieutenant Chrzanowski explained that since he was right eye dominant he lost his depth perception and had to alter his driving methods as well as shooting of firearms.

In response to Board Member Burg's comment that he was still able to perform his job duties at a very high level after making those adjustments, Police Lieutenant Chrzanowski responded that the range instructors assisted him with the adjustments at the shooting range. He stated that now that he is 55 he may not be able to retain such a high level of performance.

Board Member Burg elaborated that the Board understands how much the Applicant loves his job and now struggles with the way the statutes are written. He emphasized that Arizona Revised Statute 38-842 (1) states that an accidental disability must totally and permanently prevent an employee from performing a reasonable range of duties within their job classification and must have been incurred during the performance of those duties.

In response to Police Lieutenant Chrzanowski's comment that the City believes that he cannot do his job, Board Member Walther explained that he was placed on transitional duty because he had applied for disability retirement benefits and since he was still on full-time duty, it would create a liability for the City.

Police Lieutenant Chrzanowski argued that the statute refers to an employee's occupation as a whole and does not refer only to someone's current employment.

Board Member Walther stated that the statute relates to Police Lieutenant Chrzanowski's current job classification and "but for his normal retirement," he believes that the Applicant would have continued to work in the law enforcement field, had he not incurred this injury.

Police Lieutenant Chrzanowski agreed with Board Member Walther's comment that he would not have applied for an accidental disability retirement if his injury did not hinder his continued career in law enforcement.

Board Member Burg apologized for not having invited legal counsel to today's meeting, explaining that the Board did not believe they would have a question about the law or statutes relating to his retirement.

He summarized that the Applicant contends that Arizona Revised Statute 38-842 (1) was specific to his job in totality and the Board contends that the statute references only his current job.

Board Member Parker Diggs reviewed the statute from a human resources perspective and elaborated that the Applicant's current title is lieutenant. Once he retires from Scottsdale, he would probably move into a managerial position, which is a whole different job classification. She suggested that the Board obtain legal counsel regarding clarification of the statutes.

Chairman Cross noted that Police Lieutenant Chrzanowski's situation is a totally new scenario for the Board and suggested that staff send a letter conveying the Board's questions and inviting Mr. Anthony to the March 4, 2010 meeting in order to obtain clarification.

Board Member Parker Diggs stated that once the Applicant leaves the City of Scottsdale's employment the statement "within the employee's job classification" no longer applies. Board Member Walther agreed with her assessment of the situation and requested that the Board obtain a legal opinion.

Police Lieutenant Chrzanowski discussed not retiring on February 25, 2010 so that if legal counsel confirms that the statute refers to "current job classification" and his



doctor confirms that he does not meet P.O.S.T. standards he would therefore comply with the disability statutes.

Board Member Parker Diggs pointed out that the Applicant's suggestion only creates another scenario that requires a legal opinion.

Board Member Butera explained that if the Board obtained a job description for police lieutenant it would reflect that Police Lieutenant Chrzanowski can complete his job duties while injured. Police Lieutenant Chrzanowski pointed out that the job classification must have medical standards.

A lengthy discussion ensued regarding future employers hiring the Applicant upon his completion of their tests. Police Lieutenant Chrzanowski argued that he could not even get in the door once his injury comes to light.

Board Member Butera discussed the fact that the statute does not speak to the past or future aspects of the Applicant's job description. Police Lieutenant Chrzanowski agreed to research case law to find out whether the statute relates to now, and should he choose not to retire would his health status be considered part of his job classification?

Board Member Burg directed staff to send the Board Members a copy of the Applicant's job classification as well as a written legal opinion from Mr. Anthony before the March 4, 2010 meeting so the Board can be prepared to proceed on this matter. He suggested that Police Lieutenant Chrzanowski obtain a letter from his doctor in support of his inability to return to work as a result of his injury.

Chairman Cross invited the Board to approve Police Lieutenant Chrzanowski's normal retirement application subject to a final determination on his disability application and termination date.

Board Member Walther confirmed that Police Lieutenant Chrzanowski still has the option to not terminate DROP, losing his interest in order to keep his current job.

Chairman Cross explained that if the applicant takes this course of action then the accidental disability retirement request would be eliminated and should the Board find that it has made a mistake upon the receipt of legal counsel then the normal retirement would be changed to disability retirement.

Ms. Washington agreed to contact Police Lieutenant Chrzanowski regarding the status of his retirement and Chairman Cross invited him to attend the March 4, 2010 meeting.

**BOARD MEMBER BURG MOVED TO APPROVE THE DEFERRED RETIREMENT OPTION PLAN TERMINATION REQUEST OF POLICE LIEUTENANT CRAIG E. CHRZANOWSKI AND TO APPROVE HIS NORMAL RETIREMENT APPLICATION, EFFECTIVE FEBRUARY 25, 2010, SUBJECT TO A FINAL DETERMINATION ON HIS DISABILITY RETIREMENT AND ACTUAL TERMINATION DATE; ALSO SUBJECT TO FINAL PAYROLL CALCULATIONS AND QUALIFIED DOMESTIC RELATIONS ORDERS. THE MONTHLY PENSION ASSOCIATED WITH THIS APPLICATION IS \$4,937.25 TO BEGIN ON OR ABOUT MARCH 31, 2010. BOARD**

**MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). CHAIRMAN CROSS ABSTAINED FROM VOTING.**

**8. Motion to Recess into Executive Session**

Chairman Cross deemed it unnecessary to recess into Executive Session.

**9. Board Suggestions for Upcoming Agenda Items.**

Chairman Cross confirmed that there were no suggestions for upcoming agenda items.

**ADJOURNMENT:**

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 12:23 p.m.

Respectfully Submitted by:

REVIEWED BY:

Ken Nemec  
PSPRS Police Local Board Secretary

Jack Cross  
PSPRS Chairman/Mayoral Designee